

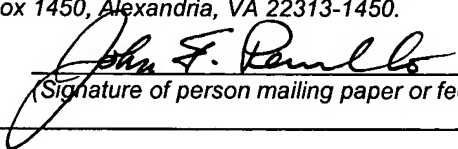
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John E. Ahern
Serial No.: Not assigned
Filed: Herewith
For: DEVICES AND METHODS FOR TREATING TISSUE
Examiner: Suzette Jamie Jackson
Art Unit: 3738

Express Mail mailing label number EV340040275US Date of Deposit: January 28, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: MAIL STOP PATENT APPLICATION, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

John F. Perullo
(Typed or printed name of person mailing paper or fee)


(Signature of person mailing paper or fee)

MAIL STOP PATENT APPLICATION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 C.F.R. §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the applicants request consideration of this information disclosure statement.

Compliance with 37 C.F.R. §1.97

This information disclosure statement has been filed within three months of the filing date of a national application. No fee or certification is required.

Information Cited

The applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the relative importance of the references.

**Explanation of Non-English Language References and
Remarks Concerning Other Information Cited**

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

DE 19703482 is a German language document. An English language Derwent abstract was provided with the parent application.

FR 1,514,319 is a French language document. Due to the age of the document, an English language abstract was not available from the Derwent World Patent Index database.

Compliance with 37 C.F.R. §1.98(d)

The present application is a divisional application claiming priority under 35 U.S.C. §120 to U.S. application Serial No. 09/328,808, filed June 9, 1999. Information listed on the attached PTO 1449 form and marked with an asterisk (*) indicates information that was also cited in the parent application in compliance with 37 C.F.R. §1.98(a)-(c). Copies of these references have not been resubmitted with this filing.

Remarks

A copy of each of the above-identified information is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

- The examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

- The enclosed form PTO-1449 be signed by the examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
- The citations for the information be printed on any patent which issues from this application.

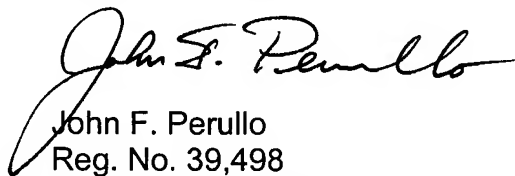
By submitting this information disclosure statement, the applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this information disclosure statement, the applicant makes no representation that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this information disclosure statement, the applicant makes no representation that the information cited in the statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

It is understood by applicant that the foregoing information will be considered and, to the extent deemed appropriate by the examiner, will be reflected in the examiner's communication.

Respectfully submitted,



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Docket No.: B0410/7283D1

Date: January 28, 2004

Form PTO-1449 INFORMATION DISCLOSURE STATEMENT	Docket No.: B0410/7283D1	Serial No.
	Applicant: John E. Ahern	
	Filed:	Group:

U.S. Patent Documents							
Ex.		Doc. No.	Date	Name	Class	Subcl.	Filed
	*	6,458,092	10/2002	Gambale et al.			
	*	6,447,522	09/2002	Gambale et al.			
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	*	Braun, "MYF-5 AND MYOD GENES ARE ACTIVATED IN DISTINCT MESENCHYMAL STEM CELLS AND DETERMINE DIFFERENT SKELETAL MUSCLE CELL LINEAGES", <i>EMBO J.</i> 15:310-318 (Jan 1996)					
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	*	Tam et. al., "CARDIAC MYOCYTE TERMINAL DIFFERENTIATION, POTENTIAL FOR CARDIAC REGENERATION", <i>Ann NY Acad. Sci.</i> 27:752:72-79 (Mar 1995)
	*	Wakitani et. al., "MYOGENIC CELLS DERIVED FROM RAT BONE MARROW MESENCHYMAL STEM CELLS EXPOSED TO 5-AZACYTIDINE", <i>Muscle Nerve</i> 18:1417-1426 (Dec 1995)
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Examiner:	Date considered
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. An * indicates references that do not require a copy to be provided under 37 C.F.R. §1.98(d) because a copy was previously cited or submitted in a prior application, which is relied upon under 35 U.S.C. §120.